

**REVISED**

AGN. NO.

MOTION BY SUPERVISOR GLORIA MOLINA

May 17, 2005

On June 20, 2003, a runaway Union Pacific train carrying about 30 rail cars loaded with lumber and freight was intentionally derailed in the City of Commerce. Two homes were destroyed, and two more were moderately damaged. Twelve civilians were injured; five were transported to local hospitals.

On October 16, 2004, a Union Pacific freight train jumped the tracks at Croton Avenue in the West Whittier unincorporated area. There were no fatalities, but one boy was slightly injured. At least 25 families were displaced. Two homes were declared uninhabitable.

On March 8, 2005, 22 Union Pacific freight cars derailed on Gale Avenue in the City of Industry. Evacuations of 52 businesses were ordered twice that day because of fears of leaking chemicals.

On March 9, 2005, several Union Pacific rail cars derailed in the unincorporated Los Nietos area adjacent to Santa Fe Springs. The rail cars collided with a warehouse, damaging it. Ultimately, it was determined that a teenage vandal had accessed an unsecured switch and threw the switch while the train was moving.

And on Cinco de Mayo this year, a minor derailment in Vernon occurred. That is five derailments in the First Supervisorial District within 23 months! And two of the Union Pacific derailments were only one day apart! The derailments have had multiple causes: human error, vandalism, a cracked rail, and fatigued joint bars. However, the pattern that emerges indicates that Union Pacific is not doing everything possible to ensure the safety of its rail lines.

**MOTION**

Burke	_____
Yaroslavsky	_____
Knabe	_____
Antonovich	_____
Molina	_____

This is very frustrating. The lives and property of First District residents are disproportionately at risk. Yet, Los Angeles County and cities along the Union Pacific rail lines do not have any jurisdictional authority to impose stricter safety standards, or even to require more frequent rail inspections. This authority lies with our federal legislators and regulatory bodies. Yet, the federal government has failed to develop comprehensive plans to protect the public health and safety and has failed to fully fund the programs that it does have.

Clearly, what is required is new federal legislation spelling out safety and reporting standards on rail lines. This is particularly important in the case of Union Pacific lines in Southern California. The Alameda Corridor East has increased tonnage transported on these lines. A busy Metrolink commuter line shares the rails. A prescription for disaster is being written as we sit and wait.

Our state legislators and state agencies are prepared to take leadership roles. State Senator Martha Escutia recently held a community forum to address rail safety. The California Public Utilities Commission (CPUC) is willing to push to extend its jurisdiction over rail safety in the State.

The CPUC's report to the Commissioners on April 21, 2005, "The CPUC's Railroad Safety Action Plan," recognizes the great concern occasioned by significant railroad accidents in California. The CPUC report asks for revisions to federal law that will allow states to share more regulatory control over railroads operating near areas particularly vulnerable to rail accidents, such as densely populated areas; environmentally sensitive areas; and areas where accident frequency is higher than usual due to extreme grade or curvature.

The CPUC proposes a Joint Resolution of the State Legislature urging the President and the Congress to amend the Federal Railroad Safety Act of 1970 to increase the authority of state and local governments to enact railroad safety regulations providing greater protections for their citizens from railroad derailments, hazardous materials spill, and highway-rail crossing accidents. Further, the Joint Resolution of the State Legislature should encourage the Federal Railroad Administration to work with California and delegate additional authority to California officials to enforce standards for track, operations and equipment that will prevent and reduce the severity of accidents, derailments and hazardous materials spills. Senator Martha Escutia introduced SJR 13 on May 12, 2005.

Other current state legislation also expands CPUC authority and addresses causes of derailments and the transport of hazardous materials. Assemblymember Rudy Bermudez will introduce a bill to strengthen the authority the CPUC currently has in regulating the railroads and authorizing them to perform new functions, including analyzing near miss data; issuing reports regarding causes and contributing factors behind each derailment; and developing a citation process for violation of PUC's general orders. Bermudez has ~~also~~ introduced AB 158 requiring the CPUC to convene a special task force to study certain railroad safety issues, including vandalism and transporting hazardous waste; to recommend safety measures; and to include the findings and recommendations in its annual report to the Legislature on sites on railroad lines that are found to be hazardous.

~~Assemblymember Dario Frommer has introduced AB 1067 to improve safety at railroad crossings, including increased funding for crossings; enhanced traffic law enforcement; and imposing stricter penalties on persons who enter a grade crossing, causing damage or derailment.~~ And finally, Senator Escutia has introduced SB 578 to require that when a railroad company is aware of a runaway train that is carrying hazardous materials, it must immediately communicate to state and local responders all the information it has at that time about the presence and location on the train of the hazardous materials. The CPUC would investigate any incidents and report its findings to the Commission.

These bills do not begin to untangle the morass that is engendered by federal oversight of the rail systems in our communities. And in fact, there is also a raft of federal bills addressing the Federal Railroad Administration's oversight of health and public safety issues. These bills do, however, stakeout California's claim over local hazardous sites that present a threat to our communities.

I, THEREFORE, MOVE that the Board of Supervisors support California Public Utilities Commission (CPUC) initiatives designed to prevent rail accidents and support SJR 13 (Escutia) to provide more authority for local oversight and enforcement of rail safety standards.

I, FURTHER, MOVE that the Board of Supervisors support AB 158 (Bermudez); ~~AB 1067 (Frommer);~~ SB 578 (Escutia); *and any other State or Federal railroad safety legislation that is designed to prevent accidents and increase California's oversight of railroad safety;* and that this Board send five-signature letters to *the County's State Legislative Delegation* expressing our support of AB 158, ~~AB 1067~~, SB 578 and SJR 13.

BJ/jh